

April 21, 1998



**By Facsimile**

Re: Noncommercial Educational Broadcasting Compulsory License,  
Docket No. 96-6 CARP NCBRA

Dear Parties:

LIBRARY  
OF  
CONGRESS

I will be out of the office on Thursday, April 23, 1998, and Friday, April 24, 1998. If you have any questions during this time, please call 202-707-8380 and someone will assist you.

Please note that any party filing letter motions on Thursday, April 23, must file an original and five copies. The letter motions may **not** be filed by fax. See 37 C.F.R. 251.44(a). **All filings must be received by the Office by 5 p.m. because no one will be here after 5 p.m.**

P.O. Box 70977  
Southwest  
Station  
Washington  
D.C. 20024

If you have any questions before Thursday, please contact me at 202-707-2699.

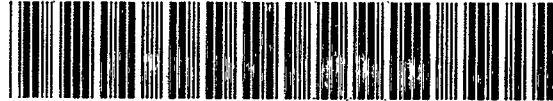
Sincerely,

A handwritten signature in cursive script, reading "Gina Giuffreda".

Gina Giuffreda  
Copyright Arbitration Royalty  
Panel Specialist

Distribution: Service List

# UNDERSIZED DOCUMENTS



7530005774372

NSN 7530-00-577-4372  
LABELS. PAPER.  
PRESSURE SENSITIVE ADHESIVE  
UU-L-1644A  
RECTANGULAR WITH CORNERS ROUNDED  
CLASS A FILE FOLDER LABELS  
STYLE 2 SIZE 3½ x 5/8 YELLOW  
1 PG 248 LABELS

AMERI LABEL CO. INC.  
SCHAUMBURG. ILL 60193  
PHONE (312) 894-8000

Copied on 4/23/98

GENERAL COUNSEL  
OF COPYRIGHT

APR 16 1998

RECEIVED

MINTZ LEVIN  
COHN FERRIS  
GLOVSKY AND  
POPEO PC

Boston

Washington

701 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202 434 7300  
202 434 7400 faxOne Financial Center  
Boston, Massachusetts 02111  
617 542 6000  
617 542 2241 fax  
Home Page: www.mintz.com

# Fax Cover Sheet

## STATEMENT OF CONFIDENTIALITY

THE INFORMATION CONTAINED IN THIS FAX IS INTENDED FOR THE EXCLUSIVE USE OF THE ADDRESSEE AND MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY FORM OF DISSEMINATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF THIS FAX WAS SENT TO YOU IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY PHONE.

DATE: April 16, 1998

## To:

NAME	PHONE NO.	FAX NO.
Gina Giuffreda	202-707-2699	202-707-8366

## FROM:

Kathi Birch

Direct Dial: 202/434-7422

Internet: kmbirch@mintz.com

Attorney No.

1196

Client No.

06716

Matter No.

024

## MESSAGE:

Gina,

I have circled all of the ones requested. I noticed some of them say confidential and, of course, we do not expect to get the confidential version of any of them. If there is a public version of these we would like to get a copy though. Just give me a call when you get a chance to get the documents together and I will arrange copying.

Also, please give me a call when and if you receive public redacted versions of the rebuttals filed yesterday. Thanks again for all your help!

Kathi

We are sending a total of 6 pages, including this cover sheet

Please call us at 202-434-7300 x1500, if you experience any problems.

Denise B. Leary

Filing	2/25/98	PBS/NPR	Originals of Notice of Appearance for Jonathan Weiss and Gregory Ferenbach
Fax	2/26/98	ASCAP	Correction to ASCAP Exhibit 19
Letter	2/26/98	ASCAP	Confirmatory copy of 2/23/98 fax re response to Supplemental Declaration of Denise Leary

Filing	2/26/98	ASCAP, PBS/NPR, BMI	Stipulation to Close Portions of the Hearings
--------	---------	---------------------	---

Filing	2/26/98	PBS/NPR	<b>REDACTED PUBLIC VERSION</b> of Exhibits 1 and 2 of PBS Motion to Strike Certain Testimony of Dr. Peter Boyle
--------	---------	---------	---

<b>ORDER</b>	2/26/98	CARP	Entering Stipulation to Close Portions of the Hearings
--------------	---------	------	--

Filing	2/26/98	ASCAP	<i>public version?</i> <b>CONFIDENTIAL</b> - ASCAP's Opposition to the Public Broadcasters' Request to Strike Certain Portions of the Written Direct Testimony of Dr. Peter Boyle
--------	---------	-------	--

Invoices	2/26/98	Judges Griffith & Gulin	Invoices for Judges Griffith and Gulin for fees through 2/25/98
----------	---------	-------------------------	---

Transcript	2/27/98	Neal Gross	Re hearing on 2/26/98: Opening Statements and ASCAP Direct Case; Witness: Mary Rogers
------------	---------	------------	---

Invoice	3/2/98	Judge Dreyfus	Invoice for fees through 2/25/98
---------	--------	---------------	----------------------------------

Fax	3/2/98	CARP	Transmittal of invoices to parties
-----	--------	------	------------------------------------

Filing	3/2/98	PBS/NPR	Public Broadcasters' Reply in Support of their Motion to Strike Certain Testimony of Peter Boyle (by fax)
--------	--------	---------	---

Fax	3/2/98	CARP	Forwarding of arbitrators' invoices
-----	--------	------	-------------------------------------

Fax	3/3/98	ASCAP	Question re timing of arbitrators' payment
-----	--------	-------	--

<b>ORDER</b>	3/3/98	CARP	Granting motion to correct written direct testimony of Dr. Boyle, ordering that amended pages to testimonies of Richard Reimer and James Ledbetter be incorporated into record and substituted-for pages stricken from the record
Letter	3/3/98	ASCAP	Confirmatory copy of Notice of Appearance of Samuel Mosenkis
Letter	3/3/98	ASCAP	Confirmatory copy of ASCAP proposal of New York accommodations for hearings
FR	3/3/98	Copyright Office	Announcement of the schedule for the proceeding [63 FR 10414]
<b>ORDER</b>	3/6/98	CARP	Scheduling oral argument re whether to grant Public Broadcasters' motion to strike certain testimony of Dr. Peter Boyle
<i>make copy</i> Filing	3/9/98	PBS/NPR	Original of Public Broadcasters' Reply in Support of Their Motion to Strike Certain Testimony of Peter Boyle
Fax	3/9/98	NPR	Change of fax number on Service List
Transcript	3/10/98	Neal Gross	Re hearing on 3/9/98; ASCAP Direct Case; Witnesses: Richard Reimer, Bend Lincoff and Jon Baumgarten <b>Portion of transcript CONFIDENTIAL</b>
<b>ORDER</b>	3/12/98	CARP	Denying the Public Broadcasters' Motion to Strike the testimony of Jon Baumgarten
Letter	3/12/98	ASCAP	Confirmatory copy of 2/10/98 letter re opposition to having all hearings in DC
Letter	3/12/98	PBS/NPR	Checks for payment of arbitrators
Filing	3/13/98	BMI, ASCAP, PBS/NPR	Stipulation re effective date of royalty payment rates and terms
Transcript	3/13/98	Neal Gross	Re hearing on 3/12/98; ASCAP Direct Case; Witnesses: James Ledbetter, Seth

Salzman, Carol Grajeda, and Ed Bergstein

Filing 3/13/98 ASCAP

REDACTED PUBLIC VERSIONS: (1) ASCAP's Opposition to Public Broadcasters' Request to Strike Certain Portions of Written Direct Testimony of Dr. Peter Boyle and (2) ASCAP's Motion to Correct the Written Testimony of Dr. Peter Boyle

Transcript 3/16/98 Neal Gross

Re hearing on 3/13/98; ASCAP Direct Case; Witnesses: Robert Unmacht, James Day, Horace Anderson, and Laurent Iossa

Letter 3/17/98 ASCAP

Re withdrawing direct written testimonies of David Bander and Ray Schwind; withdrawing ASCAP exhibits 28, 29, 30, 31

*Can't have*  
Filing 3/17/98 ASCAP

CONFIDENTIAL Final Revised Written Testimony of Dr. Peter Boyle in Support of the Direct Case of ASCAP

Transcripts 3/17/98 Neal Gross

Re hearings on 3/16/98; BMI Direct Case; Witnesses: Alison Smith, Fredric Willms (Portions of testimony CONFIDENTIAL)

Transcripts 3/18/98 Neal Gross

Re hearings on 3/17/98; BMI Direct Case; Witnesses: Bruce Owens and Janet McFadden (Portions of testimony CONFIDENTIAL)

Letter 3/19/98 PBS/NPR

Re response to ASCAP & BMI objection to admission of prior agreements between ASCAP and other parties and BMI and other parties

Transcripts 3/20/98 Neal Gross

Re hearings on 3/19/98; BMI Direct Case; Witnesses: Michael Bacon and Roy Epstein (Portions of testimony CONFIDENTIAL); ASCAP Direct Case; Witness: Dr. Peter Boyle (Portions of testimony CONFIDENTIAL)

*✓*  
Letter 3/20/98 BMI

Re opposing Public Broadcasters' request to admit joint proposal between BMI and

## NRBMLC into evidence

*manuscript*  
 Letter 3/23/98 ASCAP

Re opposing Public Broadcasters' request to admit joint proposals between ASCAP and NRBMLC & ACE into evidence (by fax)

*check for fax copy*  
 Letter 3/23/98 PBS/NPR

Re requesting the Panel to require ASCAP and BMI to produce information re: 1) final license fees payable by ABC/NBC/CBS from 1978-96; 2) annual license fees payable under license agreements among BMI/ABC/CBS from 1997 on; 3) annual fee levels under new licenses among ASCAP/ABC/NBC/CBS as of 1997; and 4) license fees payable industry-wide by commercial local TV stations to ASCAP & BMI from 1978-96

ORDER 3/24/98 CARP

1) Striking direct written testimonies of Ray Schwind and David Bander and ASCAP exhs. 28 & 29 from the record; 2) ordering ASCAP & BMI to file written replies to Public Broadcasters' request for production of information by COB 3/31/98 and scheduling oral argument on the matter for 4/2 at 9:30 a.m.

Letter 3/25/98 ASCAP

Confirmatory copy of 3/23/98 fax re opposing Public Broadcasters' request to admit joint proposals between ASCAP and NRBMLC & ACE into evidence

Invoice 3/25/98 Judge Dreyfus

Invoice for fees from 2/26/98 through 3/25/98

Order 3/26/98 Judge Dreyfus

Original copies of orders dated: 2/13/98 and 3/6/98 (unsigned)

Invoices 3/30/98 Judges Griffith & Gulin

Invoices for fees from 2/26/98 through 3/25/98

Order 3/30/98 CARP

Confirmatory copy of 3/24/98 faxed Order re striking of testimony and exhibits from ASCAP direct case and scheduling oral

argument for 4/2

**ORDER** 3/31/98 CARP

Ruling that PB exhibits 7X, 8X & 17X are not admitted into evidence

Transcripts 3/31/98 Neal Gross

Re hearing 3/30/98; PBS/NPR direct case; Witness: Peter Downey

Letter Filing 3/31/98 BMI

Opposition to Public Broadcasters' request for production of documents re license fees paid to BMI by commercial broadcasters for 1978-present

Letter Filing 3/31/98 ASCAP

Opposition to Public Broadcasters' request for production of documents re license fees paid to ASCAP & BMI by commercial broadcasters for 1978-present

Transcripts 4/1/98 Neal Gross

Re hearing 3/31/98; PBS/NPR direct case; Witness: Peter Downey

Filing 4/2/98 PBS/NPR

Corrected Testimony of Dr. Adam Jaffe (Blacklined Version)

Transcripts 4/2/98 Neal Gross

Re hearing 4/1/98; PBS/NPR direct case; Witnesses: Peter Jablow, Paula Jameson and Adam Jaffe

Transcripts 4/3/98 Neal Gross

Re hearing 4/2/98; PBS/NPR direct case; Witness: Adam Jaffe

**ORDER** 4/6/98 CARP

Amending schedule for remainder of proceedings

**ORDER** 4/6/98 CARP

Striking originally filed written direct testimony of Dr. Adam Jaffe, except his curriculum vitae, and replacing it with Corrected Testimony of Dr. Adam B. Jaffe

**ORDER** 4/6/98 CARP

Denying Public Broadcasters' request for production of documents re ASCAP & BMI licenses with ABC, CBS and NBC from 1978 to present

*make copies*

*Add letters to re schedule for doc. requests for rebuttal*  
R:\CARP\118\DOCKET

*Copy of 4/17/98 order*